

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

Against – On Merits – Praying to be heard by counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION of JAMES PRICE

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
2. The Bill is presented by Mr Secretary McLoughlin, supported by The Prime Minister, The Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker (“the Nominated Undertaker”) to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provisions about the compulsory acquisition of land for regeneration, reinstatement works and provisions about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill (“the Authorised Works”) are specified in clauses 1 and 2 of and Schedule 1 to the Bill. They consist of scheduled works, which

are described in Schedule 1 to the Bill and other works, which are described in clause 2 of the Bill.

7. Your Petitioner is James Price, a Chartered Electrical Engineer (hereinafter referred to as 'the Petitioner'), the owner and occupier of 2 Mountbatten Avenue, Kenilworth, CV8 2PY ('the Property') who submits that he and his family will be affected by loss of amenity value and general disruption caused by the construction and operation of the proposed high speed railway.

8 Choice of route

- 8.1 Your petitioner expresses no views about the economic case for the railway or the need for additional capacity but is concerned that the preferred route currently selected by HS2 Ltd may not be optimal and that the evaluation of the alternatives by HS2 Ltd at the initial design stage was flawed and inadequate. Your petitioner is concerned that alternative routes may be more cost effective to construct and result in considerably less disruption to populations along those routes and less devastation of areas of outstanding natural beauty and of ecological significance.
- 8.2 Your petitioner is further concerned that without a direct connection to either HS1 or Heathrow airport, the railway will provide no benefit to huge numbers of international travellers who might otherwise use it.
- 8.3 Your petitioner is also concerned that the existing plans for interchange arrangements between the railway and Birmingham International Airport will result in difficult and time consuming intermodal transfers.
- 8.4 Your petitioner requests that HS2 Ltd be required to show that alternative routes for the railway largely following existing transport corridors and providing direct access to both Heathrow and Birmingham airports, with a double track connection to HS1 would not be mitigate the concerns shown in the preceding clause.
- 8.5 Your petitioner further requests that HS2 Ltd be required to evaluate the differential economic and environmental benefits of constructing the railway largely following the existing M40/M42 or M1/M6 corridors.

9 Environmental Impact

- 9.1 Your Petitioner is concerned that the impact on many local communities along the proposed route of the high speed railway has been underestimated and in particular, your petitioner believes that the construction and operation of the railway will seriously impact the 'Crackley Gap', the small but important strip of green belt separating Kenilworth and Coventry, and destroy the viability of the remaining agricultural land in that area, ultimately resulting in urban sprawl destroying the narrow corridor between the country town and the big city. The high speed railway as planned will also affect wildlife habitats in the flood plains of Finham and Canley Brooks in this area as well as needing major earthworks, diversion of watercourses and large-scale landscaping in a vain attempt to reduce its visual impact.

- 9.2 Your petitioner is further concerned that construction and operation of the railway will adversely affect the operation of the Stoneleigh Business Park and Showground, a major employment location just to the south of Kenilworth.
- 9.3 Your petitioner is further concerned that the operation of the high speed railway will significantly impact upon the Kenilworth Greenway, a bridleway largely following the route of a former railway between Kenilworth and Balsall Common, and on the cycleway connecting Kenilworth to Warwick University, situated on the outskirts of Coventry. The new railway is planned run close to and largely parallel with the Greenway and with up to 36 trains per hour passing within a few tens of metres, the amenity and recreational value of this haven of tranquillity will be totally destroyed, as will its associated wildlife corridor connecting the ancient woodlands in the area. The cycleway will require substantial modification resulting in sub-optimal routing and will need to be closed for a considerable period should the railway be constructed as planned.
- 9.4 Your petitioner is concerned that the Environmental Impact Assessment for this area does not adequately take into account these and many other related issues and requests that HS2 Ltd be required to completely reassess the environmental effects of the proposed construction in the Kenilworth area and to provide a binding undertaking to undertake state of the art mitigation measures.
- 9.5 Your petitioner further requests that the Hybrid Bill be amended to require HS2 Ltd to carry out a detailed economic and environmental assessment for the provision of a tunnel from a point south of the Stoneleigh Business Park northwards to the planned Burton Green tunnel portal north of the village or beyond. Incorporation of such a tunnel into the project plan would not only mitigate against all of problems outlined above but would also reduce the impact of the railway on the Stoneleigh Business Park itself, several farms, a substantial number of private residences and Kenilworth Golf Club, as well as removing the need for the long term closures of the A46 Trunk Road, the A429 Coventry Road, the B4115 Coventry to Leamington Spa road and Dalehouse Lane at the railway crossing points, as also referred to in paragraph 10 of the present document.

10 Road Traffic

- 10.1 Your petitioner is concerned that the flow of road traffic in and around the town of Kenilworth will be severely affected during the construction of the proposed high speed railway due to the planned closures of several of the access roads to the town, including the important commuter routes along Dalehouse Lane and the A429 Coventry Road, both serving Warwick University, for which Kenilworth is an important dormitory town. Your petitioner is further concerned that the planned long-term closure of the A46 Trunk Road south of Kenilworth will result in serious traffic congestion in the narrow streets and the proliferation of 'rat-runs' through the town. These impacts will have the potential to seriously disrupt business in the town and the provision of emergency services and public transport to its population.
- 10.2 Your petitioner requests that the Hybrid Bill be amended to give the Local Authority powers to prohibit the movement of road traffic associated with the construction of the railway through the town at any times or by any routes which the Local Authority may believe to be advantageous to the residents and visitors to the town and to its normal commerce.

11 Safety and Security

- 11.1 Your petitioner is concerned that the Hybrid Bill is silent on a number of safety and security issues associated with the operation of the planned high speed railway. In particular, no details have been provided of the braking efficiency of the trains and your petitioner notes that it is planned to operate trains at speeds of up to 400kph with a frequency of up to 18 trains per hour, one every 3.3 minutes.
- 11.2 Your petitioner requests that the Hybrid Bill be amended so as to require HS2 to publish the design parameters showing the braking capabilities of the trains and proving that in the event of an emergency a fully laden train travelling at the maximum line speed will be capable of stopping within three minutes on the steepest downhill gradient of the line without regenerative braking being available, say in the instance of catenary failure, and without causing injury to its passengers.
- 11.3 Your petitioner further requests that the Hybrid Bill be amended so as to require HS2 Ltd to publish a detailed report on the security measures to be implemented to avoid incursion onto the railway line of wild and domestic animals which may cause a disruption to the service and danger to the passengers, and of persons who may be intent upon endangering the safety of security and safety of the railway.
- 11.4 Your petitioner further requests that HS2 be required by an amendment to the Hybrid Bill to publish full details of its plans to abstract electricity for the operation of the railway from the National Grid or elsewhere and to provide an undertaking that the abstraction of such energy will not endanger supplies to other consumers of electricity.

12 Limits of Deviation

- 12.1 Your Petitioner is concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.
- 12.2 Your Petitioner is concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of the high speed railway and associated development, for example by raising the track height to the detriment of the amenity of the landscape. These potential environmental impacts are not adequately addressed in the environmental statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce adverse environmental effects provided it does not add unreasonable cost or delay to the construction and operation.
- 12.3 Your Petitioner requests that all the provisions in the Hybrid Bill which allow any deviation of the track from that shown on the deposited plans should be deleted.

13 Noise

- 13.1 Your petitioner has concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway. Your petitioner is concerned

as there appears to be no mechanism in the Bill to ensure delivery of a properly noise mitigated railway.

- 13.2 Your petitioner is concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.
- 13.3 Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your petitioner considers that this issue is likely to become more significant given the moves by the World Health Organisation to set new lower targets on the basis of the latest medical research on the impact of noise on human health.
- 13.4 Your petitioner is concerned that the specific impacts of ground-borne noise have not been properly considered or explained to impacted communities and the limits set for ground-borne noise do not reflect recent practice or experience and that the methodology used for predicting the impact of ground-borne noise is insufficiently robust and no amelioration measures have been proposed to deal with this problem.
- 13.5 Your petitioner therefore requests that -
 - 13.5.1 HS2 Ltd be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).
 - 13.5.2 HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.
 - 13.5.3 HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.
 - 13.5.4 A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.
 - 13.5.5 HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension - meaning ground-borne noise levels no greater than 25dB LpAs_{max} for rural areas and 30dB LpAs_{max} for urban areas.
- 13.6 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 13.7 Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

14 Waste

- 14.1 Your Petitioner is concerned that the impact on local communities of the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and the environmental impacts of removal and disposal of such waste has been needlessly worsened because of the primacy (in UK and EU law) of the requirement to seek to avoid disposal of waste and comply with the principles of the waste hierarchy has been ignored by HS2 Ltd.
- 14.2 Your petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from that area appear to be contradictory and take insufficient account of local authority planning policies.
- 14.3 Your petitioner requests that HS2 Ltd be required to comply with the requirements of the Waste Framework Directive and to review its decisions on treatment of waste to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include publishing details of the "integrated design approach" to waste management and be subject to consultation to enable effective public participation on this issue.

15 Code of Construction Practice

- 15.1 Your Petitioner is concerned that the nominated undertaker's ongoing accountability to is unspecified. The Code of Construction Practice does not identify how any lead contractors will be made to comply or specify the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective, however, the Code of Construction Practice has no legal status.
- 15.2 Your Petitioner submits that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts with effective oversight and redress arrangements in the event of non-compliance with the Code of Construction Practice.
- 15.3 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.

16 Air Quality

- 16.1 Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development.

- 16.2 Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be made public. Your petitioner submits that thresholds for air quality and an air quality mitigation plan should be produced for each Community Forum Area, to apply both during construction and operation of HS2.
- 16.4 Your Petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your Petitioner submits that the Bill should be amended to enable the local authority to require the cessation of construction activities until such point as air quality thresholds are complied with.

17 Hydrology

- 17.1 Your Petitioner is concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.
- 17.2 Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.
- 17.3 Your Petitioner is concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.

18 Compensation

- 18.1 Your Petitioner submits that the compensation provisions in relation to property that is not compulsorily acquired and other matters are not sufficient to compensate property owners adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.
- 18.2 Your Petitioner requests that the Hybrid Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value and amenity should be entitled to claim compensation.

19 Ecology

- 19.1 Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology including but not limited to avoiding ancient woodland,

migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.

- 19.2 Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations and compensating off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget established for these purposes.
- 19.3 Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the precautionary principle. The treatment of ancient woodlands should be separated from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.

20 Cost overruns

- 20.1 Your petitioner is concerned that whilst the budget for professional services in connection with Phase 1 the proposed high speed railway was originally set at £101m, the total spend on these contracts up to the end of February this year was £188m, some 86 percent over budget, with all sixteen of the 'professional services' contracts being over budget, leading to suggestions that that consultants have been "running their own gravy train". The environmental studies in rural areas, now shown to be grossly inadequate, were responsible for some of the biggest overspends, with a single contract was for environmental impact assessments on the line in Warwickshire, Solihull and Staffordshire costing £20.2m, almost four times its original £5.5m budget.
- 20.2 Your petitioner requests that the Hybrid Bill be amended to include binding clauses that each and every tender for works of all kinds associated with the proposed railway be fully evaluated by independent auditors and subject to their agreement be awarded on a fixed price basis to the most capable contractor with no variations in cost permitted except at a proportionate rate where additional work is clearly identified.
- 21 In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any

possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

- 22 For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
- 23 There are other clauses and provisions in the Bill which, if passed into law as they now stand may prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c

SIGNED

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013- 2014

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF **James Price**

AGAINST, By counsel, &c

